

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re
ANTHONY BRIATICO

Case No. 17-12186-cgm
Chapter 13

Debtor.

AMENDED OBJECTION TO CONFIRMATION OF DEBTOR'S 2nd AMENDED PLAN

TO THE HONORABLE CECELIA G. MORRIS,

I, Mark K. Broyles, do hereby certify as follows:

1. I am an attorney at law of the State of New York with the law firm of FEIN, SUCH & CRANE, LLP, attorneys for RUSHMORE LOAN MANAGEMENT SERVICES AS SERVICER FOR MTGLQ INVESTORS, LP ("Secured Creditor" herein), and I am fully familiar with the facts and circumstances of the within matter, and make this affirmation in objection to the confirmation of the Debtor's proposed Chapter 13 plan (the "Plan").

- (a) Secured Creditor holds the first mortgage on Debtor's residence which is located at 433 W 34th Street, Apt. 13H, New York, NY 10001. As of the date of bankruptcy filing the Debtor was in default on the terms of the Note and Mortgage.
- (b) The 2nd Amended Plan, filed on January 5, 2018, states that the Debtor is seeking to sell the above referenced property. Secured Creditor will not object to the sale, as long as the loan is paid in full.

WHEREFORE, the undersigned objects to the confirmation of the Chapter 13 Plan only if the sale does not result in the loan being paid in full and respectfully requests such other relief as may be deemed just and proper.

FEIN, SUCH & CRANE, LLP.
Attorneys for the Secured Creditor,
Rushmore Loan Management Services

Dated: 1/25/18

By


Mark K. Broyles, Esq.